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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,232	03/13/2001	Casey Campbell	2102716-900101	2123

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DLA PIPER RUDNICK GRAY CARY US, LLP
2000 UNIVERSITY AVENUE
E. PALO ALTO, CA 94303-2248

EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,232

Applicant(s)

CAMPBELL ET AL.

Examiner

Clement B. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-29, are rejected under 35 U.S.C. 102(e) as being anticipated by Ojha et al (Hereinafter Ojha US Patent No 6, 029, 146) .

As per claim 1, Ojha discloses a method for brokering commercial transactions between an originator and a provider through a communications network, the method comprising the steps of receiving provider criteria from each of a plurality of providers, wherein at least one of said provider criteria is included in requests for proposals forwarded to said respective provider (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67) receiving a request for proposal from an originator, the request for proposal including originator criteria, wherein at least one of the originator criteria is included in proposals received by the originator;

to comparing the originator criteria included in the request for proposal with the provider criteria of a group of the plurality of providers (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67) selecting one or more providers from the group of the plurality of providers, the selected one or more providers having at least one of their respective provider criteria matching at least one of the originator criteria(see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67)

providing the request for proposal to the selected one or more providers; receiving a proposal in response to the request for proposal from at least one of the selected one or more providers; and

providing the proposal to the originator. (Note abstract and see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

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As per claim 2, Ojha discloses wherein the step of providing the request for proposal to the selected one or more providers comprises providing the request for proposal to the selected one or more providers without disclosing the identity of the originator. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claim 3 Ojha discloses wherein the step of providing the proposal to the originator comprises providing the proposal to the originator without disclosing the identity of the at least one of the selected one or more providers. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claim 4, Ojha discloses wherein the step of receiving a proposal in response to the request for proposal from at least one of the selected one or more providers comprises the steps of

receiving a plurality of proposals from at least one of the one or more selected providers;

ranking the plurality of proposals; and notifying the originator of the highest ranked one or more of proposals of the plurality of proposals. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claim 5, Ojha discloses wherein the step of ranking the plurality of proposals comprises the steps of

receiving ranking criteria from the originator;

comparing proposal criteria in each of the plurality of proposals with the ranking criteria;

selecting one or more proposals having the most proposal criteria matching the ranking criteria, wherein said selected one or more proposals are the highest ranked one or more proposals; and sending a summary report of the highest ranked one or more proposals to the originator. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claim 6, Ojha discloses further comprising the steps of

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receiving a request for clarification of the request for proposal from one of the selected one or more providers, forwarding the request, for clarification to the originator;

receiving a response to the request for clarification from the originator; and distributing the request for clarification to the selected one or more providers. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claim 7, Ojha discloses wherein the provider criteria comprises one or more of industry sector, financing type, asset type, project type, geographic location, amount of funding requested by the originator, credit information, scope of distribution of request for proposal to providers, and deadline for accepting a response to the request for proposal. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claim 8, Ojha discloses wherein the step of selecting one or more providers from the plurality of providers comprises the steps of

storing the provider criteria received from the plurality of providers in a data storage medium;

searching the data storage medium for providers having one or more specified criteria included in their provider criteria, wherein the originator criteria includes said one or more criteria(see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67) and generating an initial distribution list including one or more providers having the one or more specified criteria. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claim 9, Ojha discloses further comprising the steps of
determining whether a provider of the one or more providers on the initial distribution list has provider criteria which does not match originator criteria in the request for proposal;

determining whether the provider will accept requests for proposals having originator criteria that does not match the provider criteria (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67) and removing the provider from

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the initial distribution list when the provider will not accept requests for proposals having originator criteria that does not match the provider criteria and maintaining the provider on the initial distribution list when the provider will accept requests for proposals having originator criteria that does not match the provider criteria. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claim 10, Ojha discloses further comprising the steps of determining whether a provider of the one or more providers on the initial distribution list has provider criteria conflicting with the originator criteria; and removing the provider from the initial distribution list when the provider has provider criteria conflicting with the originator criteria. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claim 11, Ojha discloses further comprising the steps of determining whether the originator has indicated that a provider of the one or more providers on the initial distribution list should not receive the request for proposal (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67) and removing the provider from the initial distribution list when the originator has indicated the provider should not receive the request for proposal. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claim 12, Ojha discloses further comprising the steps of determining whether a provider of the one or more providers on the initial distribution list has indicated not to receive requests for proposals from the originator; to and removing the provider from the initial distribution list when the provider has indicated not to receive requests for proposals from the originator. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claim 13, Ojha discloses further comprising the steps of: reviewing the provider criteria of an unselected provider to determine whether a modification to the provider criteria may be made so that the unselected provider may be added to the selected one or more providers; and sending a notification suggesting

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the modification to the unselected provider. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claim 14, Ojha discloses further comprising the step of receiving a modification request from the unselected provider to modify the provider criteria in accordance with the modification suggested; modifying the criteria of the unselected provider; adding the unselected provider to the selected one or more providers; and providing the request for proposal to the unselected provider. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claim 15, Ojha discloses further comprising the steps of reviewing originator criteria in the request for proposal to determine whether a modification to the originator criteria may be made so that an unselected provider may be added to the selected one or more providers; and sending a notification suggesting the modification to the originator. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claim 16, Ojha discloses further comprising the step of receiving a modification request from the originator to modify the originator criteria in the request for proposal in accordance with the modification suggested, modifying the originator criteria in the request for proposal (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

adding the unselected provider to the selected one or more providers; and providing the request for proposal with the modification to the provider. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claim 17, Ojha discloses wherein the group of plurality of providers comprises a group of pre-selected providers provided by the originator. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

As per claims 18-29, Ojha discloses a method for brokering commercial transactions between an originator and a provider through a communications network, the method

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comprising the steps of receiving provider criteria from each of a plurality of providers, wherein at least one of said provider criteria is included in requests for proposals forwarded to said respective provider;

storing said provider criteria in a database(see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67) receiving a request for proposal from an originator, the request for proposal having one or more primary criteria;

filtering said database to identify a group of the plurality of providers having provider criteria matching the one or more primary criteria (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67) selecting one or more providers from the group of the plurality of providers, the selected one or more providers having provider criteria matching the one or more primary criteria;

providing the request for proposal to the selected one or more providers; receiving a proposal in response to the request for proposal from at least one of the selected one or more providers; and

providing the proposal to the originator. (see column 2 lines 49-67 and column 3-4 lines 1-67 and column 8-12 lines 1-67).

conclusion

3. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Lange (US 6, 321, 212 Patent) teaches financial products having a demand based adjustable return and trading exchange therefor.

Silverman (US Patent 5, 077, 665) teaches distributing matching.

Musmanno(US Patent 4, 346, 442) teaches securities brokerage cash management.

Musmanno(US Patent 4, 376, 978) teaches securities brokerage cash management.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantzy Ponvil can be reached on 703-305-9779. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

June 23, 2005


FRANTZY PONVIL
PRIMARY EXAMINER
Au 3628